

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

SENGKHAM KOULAVONGSA,
[A23-743-134],

Petitioner,

v.

MICHAEL CHERTOFF, *et al.*,

Respondents.

Civil No. 08-CV-808-L(LSP)

**ORDER GRANTING REQUEST
FOR APPOINTMENT OF COUNSEL
[doc. #3]; GRANTING MOTION TO
PROCEED *IN FORMA PAUPERIS*
[doc. #2] and TO SHOW CAUSE
WHY THE PETITION SHOULD
NOT BE GRANTED**

Petitioner filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, together with a request to proceed *in forma pauperis* under 28 U.S.C. § 1915(a), and a motion for appointment of counsel under 18 U.S.C. § 3006A.

1. Motions to Proceed *In Forma Pauperis*

Petitioner seeks *in forma pauperis* status and has provided an Inmate Account Statement indicating that petitioner has no money on account and during the past six months had no money on account. Accordingly, the Court **GRANTS** the request to proceed *in forma pauperis*.

2. Motion for Appointment of Counsel

Petitioner also moves for appointment of counsel under 18 U.S.C. § 3006A(a)(2). Under this statute, the district court may appoint counsel for financially eligible petitioners seeking relief under 28 U.S.C. § 2241 when the interests of justice so require. The Court considers whether there is a likelihood of success on the merits and whether the unrepresented petitioner

1 has the ability to articulate his claims in light of the complexity of the issues presented.

2 *Weygandt v. Look*, 718 F.2d 952, 954 (9th Cir. 1983).

3 Petitioner is financially eligible for a court-appointed attorney. Having carefully
4 considered petitioner's motion, the record, and applicable law, the Court finds that the interests
5 of justice require appointment of counsel. Based upon petitioner's motion and the declaration
6 of Janet Tung, an attorney with the Federal Defenders of San Diego, Inc., who indicates she is
7 ready and able to assist the petitioner in the case, petitioner's motion for appointment of counsel
8 is **GRANTED** and the Court appoints the Federal Defenders of San Diego, Inc. to represent
9 petitioner.


10 **3. Order to Show Cause.**

11 Having received and reviewed Petitioner's petition for writ of habeas corpus under 28
12 U.S.C. § 2241, **IT IS HEREBY ORDERED:**

13 Respondents shall file a return to the petition for writ of habeas corpus on or before **June**
14 **4, 2008**. Respondents shall include copies of all pertinent documents, orders, and transcripts
15 relevant to this motion, and shall also make a recommendation regarding the need for an
16 evidentiary hearing on the merits of the Petition. Petitioner shall file a traverse on or before **July**
17 **2, 2008**. *The matter will be deemed under submission at that time.*

18 **IT IS SO ORDERED.**

19 DATED: May 7, 2008

20 
21 M. James Lorenz
United States District Court Judge

22 COPY TO:

23 HON. LEO S. PAPAS
24 UNITED STATES MAGISTRATE JUDGE

25 ALL COUNSEL/PARTIES
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